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Viewing cable 07SANJOSE69, THE COLOMBIAN CONNECTION: FORMER GUERRILLAS TURNED

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Reference ID	Created	Released	Classification	Origin
07SANJOSE69	2007-01-12 22:43	2011-08-30 01:44	CONFIDENTIAL	Embassy San Jose

Appears in these articles:

<http://www.nacion.com/2011-03-06/Investigacion/NotasDestacadas/Investigacion2702320.aspx>
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E.O. 12958: DECL: 01/02/2017

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SUBJECT: THE COLOMBIAN CONNECTION: FORMER GUERRILLAS TURNED CRIMINALS IN COSTA RICA

Classified By: Amb. Mark Langdale for reason 1.4 (d).

¶1. (SBU) SUMMARY: Costa Rican authorities are increasingly worried about the criminal activities of former Colombian guerrillas operating in Costa Rica and, as a result, have stepped up efforts to extradite/deport them. On December 21, FARC member Hector Orlando Martinez Quinto was delivered to GOC authorities on San Andres Island, Colombia. Martinez was wanted in Colombia for his suspected participation in at least two FARC massacres. Former M-19 guerrilla Libardo Parra Vargas was arrested in Costa Rica on March 15, 2006, although his possible extradition to Colombia is complicated by money laundering charges he faces in Costa Rica. As GOCR officials become more aware of the security threat posed by illicit traffickers, including transplanted Colombians, they are more open to international security cooperation. However, their efforts to address the threat are hampered by lack of resources and often hamstrung by their own legal system. END SUMMARY.

Hector Martinez

¶2. (SBU) Martinez began visiting Costa Rica in 1997. After reportedly participating in a 1999 massacre of 47 police officers in Jurado, Colombia, Martinez moved to Costa Rica. In a clear case of fraud, he obtained Costa Rican residency on May 29, 2000, just 20 days after a sham marriage, despite his failure to present a police records-check from Colombia. (Normal processing for residency takes a year or more after providing all required documentation.) Five Costa Rican immigration officials are under investigation for their handling of the case.

¶3. (SBU) In addition to the Jurado massacre, Martinez was also wanted by Colombian authorities in connection with his alleged participation in the May 2, 2002 massacre at Bojaya which killed a number of women and children. Martinez kept a very low profile in Costa Rica, working as a small-scale fisherman until his arrest in Puntarenas on August 10, 2006. Colombian and Costa Rican authorities suspect Martinez remained active in the FARC, while living in Costa Rica, trafficking narcotics throughout the region to generate cash and acquire weapons. According to news reports, Panamanian officials also consider Martinez, who has family in Ciudad Colon, to be the head of the "Jose Maria Cordoba Bloc" of the FARC operating there. Costa Rican officials viewed Martinez as a national security threat and were anxious to return him to Colombia where he faces a lengthy prison term.

¶4. (C) Martinez and his lawyers easily gamed Costa Rica's onerous extradition system until immigration officials, at our suggestion, re-examined his claim to residency. Considering the fraud angle as too weak a grounds for deportation (see paragraph 12), immigration officials instead established that Martinez had failed to renew his residency in 2005. He was then quickly deported. Due to fears of a possible FARC rescue attempt (see paragraph 9), Martinez was moved under heavy guard from his maximum-security cell in the La Reforma prison, fingerprinted in the presence of his lawyer, a Costa Rican judge and Colombian police, then flown to San Andres Island, where he was handed over to Colombian authorities on December 21, 2006.

¶5. (SBU) News of the deportation was leaked to the press even before planning meetings had concluded. By coincidence, Poloff was with Vice Minister for Public Security Rafael Gutierrez on December 19 when Colombian Embassy officials arrived to coordinate the deportation. The Colombians had just ended a meeting with judicial branch officials. Before the Colombian attache finished underscoring the need for operational security, journalists were already calling the Vice Minister for a statement on the upcoming deportation.

Libardo Parra

¶6. (C) Like Martinez, Parra kept a low profile in Costa Rica, running a small liquor import business. Parra was tried in absentia in Colombia in 2004 and given a 24-year sentence for his role in the 1995 kidnapping of a businessman. When arrested in Costa Rica on March 15, 2006 by Interpol, Parra tried to bribe the arresting officers with \$40,000 in cash he had concealed in his vehicle. Not only did the officers refuse, but they used the attempted bribe to obtain a search warrant for Parra's house, business, and farm. The searches turned up \$1.4 million in cash, 25 cell phones, radio equipment, and large quantities of food and mattresses that indicated Parra's involvement with the clandestine movement of people. (Parra was arrested in Nicaragua in 1999 on

charges of trafficking in persons, but was released for lack of evidence.) Drug-sniffing dogs detected traces of narcotics on the cash seized at Parra's warehouse. V/Min. Gutierrez believes Parra's higher level of activity and organization indicate he was a much bigger fish than Martinez.

¶7. (C) Unlike Martinez, Parra did not attempt to legalize his status in Costa Rica. Instead, he used false Guatemalan and Nicaraguan identities (Parra owns a gas station and another farm in Nicaragua) to avoid detection. One of Parra's false Nicaraguan identities was positively established during a joint U.S.-Costa Rican narcotics investigation. Costa Rican intelligence was then able to track Parra when he next entered the country. Parra's business and property were registered to his Colombian girlfriend, Ofelia Acevedo Estevez, who had moved to Costa Rica. Like Martinez, Acevedo obtained Costa Rican residency through a sham marriage.

¶8. (C) Parra's case is being handled by a team of GOCR counter-terrorism prosecutors due to his M-19 membership and the fact that his small business could not have reasonably generated the amount of money seized. Parra was ordered extradited to Colombia last July, but the order was suspended until he is tried in Costa Rican courts on money laundering charges. V/Min. Gutierrez is concerned that if Parra is convicted (and the evidence appears strong), the Costa Rican judicial system might refuse to extradite Parra until he serves the 8 to 20-year sentence. Gutierrez is quietly, and he believes successfully, lobbying Supreme Court Justices for a quick extradition on grounds that Parra is too dangerous to hold.

How to Hand Off "Hot Coals"

¶9. (SBU) The Ministry of Justice (which runs the prison system) and the Ministry of Public Security have publicly expressed concern about Costa Rica's ability to secure high-profile Colombian detainees, especially those with ties to narcotics trafficking. Public Security Minister Berrocal recently compared keeping Martinez and Parra in Costa Rica to holding "hot coals" in his hands. The Minister's fears have some merit. In August, 2006, 10 heavily armed individuals successfully assaulted a prison transport vehicle to free Colombian drug trafficker Ricaurte Villasanta Restrepo. The transport was empty only because Villasanta was not sent to the usual hospital when he faked an illness as part of the escape plan. Two months later, in October, a group of eight prisoners escaped from La Reforma.

¶10. (C) One solution, as the Martinez case illustrates, is to accelerate extradition or deportation of Colombian drug traffickers being held in Costa Rica's creaky prison system. Minister Berrocal was pleased and relieved by the successful deportation of Martinez after efforts to extradite him had failed. He and other officials are actively looking for other ways to get rid of other imprisoned Colombian narcotics traffickers.

¶11. (SBU) A better solution would be not to grant residency to foreign criminals in the first place, but the GOCR has found this to be a challenge. Berrocal traveled to Colombia in September, 2006, to request assistance with screening criminal backgrounds of Colombian refugees. Between 1998 and

2000, over 10,000 Colombians were granted refugee status in Costa Rica with little or no scrutiny. The UNHCR and IMO were seldom involved except for rare cases where Colombian refugees in Costa Rica requested resettlement in a third country. Despite visa requirements implemented in 2002, the flow of Colombians requesting refugee status in Costa Rica did not begin to decline until 2005. While Berrocal readily acknowledges that the vast majority of Colombian refugees in Costa Rica deserve their status, it is also highly likely that many criminals took advantage of this wide open door. The Martinez case showed that Costa Rican residency is also too easily obtained through sham marriages.

¶12. (SBU) Immigration Director Mario Zamora has been fighting an uphill battle in the judicial system to deny Costa Rican residency claims based on such marriages. Opposing Zamora are a number of law firms that earn tidy sums from this practice. Since Zamora upped the ante in late November by raiding 22 of the largest of these law firms, the courts increasingly have ruled against sham marriages. However, more than half of Zamora's decisions to deny residency in these cases are still being overturned in court.

COMMENT

¶13. (C) The improving security cooperation between Costa Rica and Colombia is a positive development and a step forward for the Arias Administration's security policy. After seven months in office, Berrocal has come full circle from advocating that Costa Rica focus only on its domestic narcotics problem to appreciating that international narcotics trafficking, an unsavory participants such as Martinez and Parr, pose direct threats to Costa Rican security. Challenges remain, however. The GOCR does not know nearly enough about the activities of other Colombians operating in Costa Rica. Berrocal and his advisers fear that narcotics-for-arms trafficking through Costa Rica may increase given the election results in Nicaragua. Although Costa Rican authorities are more inclined than ever to cooperate against all forms of illegal trafficking, they remain hampered by lack of resources and often hamstrung by their own judicial system.

LANGDALE